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Summary record of the 22nd meeting
Held at Headquarters, New York, on Monday, 24 December 2012, at 10 a.m.

Chair: Mr. Berger. . . . . (Germany)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Kelapile

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Agenda item 142: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (*continued*)

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Other matters

Completion of the work of the Fifth Committee at the main part of the sixty-seventh session of the General Assembly

The meeting was called to order at 12.55 p.m.

1. **The Chair** informed that Committee that, as most of the draft resolutions and decisions to be considered at the current meeting had been finalized very recently, they were available in English only. They would be issued in all six official languages as soon as possible.

Agenda item 128: Financial reports and audited financial statements, and reports of the Board of Auditors (*continued*) (A/C.5/67/L.8)

Draft resolution A/C.5/67/L.8: Financial reports and audited financial statements, and reports of the Board of Auditors

2. *Draft resolution A/C.5/67/L.8 was adopted.*

3. **Mr. Seger** (Switzerland) said that his delegation welcomed the adoption of the draft resolution, which would strengthen the financial and administrative oversight of the Organization, and hoped that the Secretary-General would take into account the Advisory Committee's recommendations on future large-scale projects, as noted in paragraph 17 of the draft resolution.

4. During its informal discussions, the Committee had considered a draft institutional restructuring plan aimed at consolidating the governance structures and budgetary regimes of many of the Organization's training, research and library resources, including the Geneva-based United Nations Institute for Training and Research (UNITAR), United Nations Institute for Disarmament Research (UNIDIR), United Nations Research Institute for Social Development (UNRISD) and United Nations Library in Geneva. Member States had expressed concerns about the plan, which were shared by his delegation, and had requested further information on its aims and how it would be implemented. While his delegation had traditionally supported restructuring to improve the Organization's efficiency and effectiveness, it could not support the plan in its current form and was particularly concerned by the lack of transparency shown by the Secretariat. An in-depth cost-benefit analysis should be carried out in order to evaluate the suitability of such an ambitious plan, with regard to both substantive and budgetary questions. His delegation hoped that the Secretary-General would take all those concerns into account, together with the recommendations of the Board of Auditors; would consult all stakeholders; and would submit a comprehensive report to Member States in order to allow them to make an informed decision.

Agenda item 131: Programme planning (*continued*) (A/C.5/67/L.10)

Draft resolution A/C.5/67/L.10: Programme planning

5. *Draft resolution A/C.5/67/L.10 was adopted.*

Agenda item 133: Pattern of conferences (*continued*) (A/C.5/67/L.5)

Draft resolution A/C.5/67/L.5: Pattern of conferences

6. *Draft resolution A/C.5/67/L.5 was adopted.*

Agenda item 134: Scale of assessments for the apportionment of the expenses of the United Nations (*continued*) (A/C.5/67/L.6)

Draft resolution A/C.5/67/L.6: Scale of assessments for the apportionment of the expenses of the United Nations

7. *Draft resolution A/C.5/67/L.6 was adopted.*

Agenda item 145: Scale of assessments for the apportionment of the expenses of the United Nations peacekeeping operations (*continued*) (A/C.5/67/L.7)

Draft resolution A/C.5/67/L.7: Scale of assessments for the apportionment of the expenses of the United Nations peacekeeping operations

8. *Draft resolution A/C.5/67/L.7 was adopted.*

9. **The Chair** confirmed the understanding that, on an exceptional basis for the 2013-2015 scale period only, three level B contributors, namely the Bahamas, Bahrain and Oman, would be afforded discounts of 7.5 per cent to their assessment rates; Oman would forgo its transition period; and those discounts would not cause the aggregate assessment rates for level A contributors over the scale period to exceed their aggregate effective rates as contained in annex III of the report of the Secretary-General on the implementation of General Assembly resolutions 55/235 and 55/236 (A/67/224).

Agenda item 138: United Nations pension system (*continued*) (A/C.5/67/L.9)

Draft resolution A/C.5/67/L.9: United Nations pension system

10. *Draft resolution A/C.5/67/L.9 was adopted.*

Agenda item 141: Administration of justice at the United Nations (*continued*) (A/C.5/67/L.11)

Draft resolution A/C.5/67/L.11: Administration of justice at the United Nations

11. *Draft resolution A/C.5/67/L.11 was adopted.*

Agenda item 153: Financing of the United Nations Integrated Mission in Timor-Leste (*continued*) (A/C.5/67/L.4)

Draft resolution A/C.5/67/L.4: Financing of the United Nations Integrated Mission in Timor-Leste

12. *Draft resolution A/C.5/67/L.4 was adopted.*

The meeting was suspended at 1.15 p.m. and resumed at 2 p.m.

Agenda item 137: United Nations common system (*continued*) (A/C.5/67/L.14)

Draft decision A/C.5/67/L.14: United Nations common system

13. *Draft decision A/C.5/67/L.14 was adopted.*

Agenda item 142: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (*continued*) (A/C.5/67/L.15)

Draft resolution A/C.5/67/L.15: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

14. *Draft resolution A/C.5/67/L.15 was adopted.*

Agenda item 144: Financing of the International Residual Mechanism for Criminal Tribunals *(continued)* (A/C.5/67/L.17)

Draft resolution A/C.5/67/L.17: Financing of the International Residual Mechanism for Criminal Tribunals

15. *Draft resolution A/C.5/67/L.17 was adopted.*

Agenda item 143: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (*continued*) (A/C.5/67/L.16)

Draft resolution A/C.5/67/L.16: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

16. **The Chair** informed the Committee that, as agreement had not been reached on paragraph 9, the paragraph should be deleted from the draft resolution.

17. **Mr. Pankin** (Russian Federation) said that, despite the active involvement of delegations, it had not been possible to reach a consensus on the parameters for financing the International Tribunal for the Former Yugoslavia. Regrettably, his delegation's modified proposals to strengthen budgetary discipline had not been reflected in the text submitted by the Chair. His delegation supported the Advisory Committee's proposal that the Organization should absorb the modest budgetary requirements for post-related recosting for inflation and exchange rate projections, and called for an independent expert evaluation, similar to those carried out with regard to the United Nations internal justice system, of the administrative and budgetary aspects of the activities of the International Tribunal for the Former Yugoslavia. Those delegations which had supported such an evaluation for the internal justice system but had refused to consider it in the case of the International Tribunal for the Former Yugoslavia were guilty of double standards and of politicizing the issue. Given that the Tribunal required greater budgetary discipline and accountability than the International Criminal Tribunal for Rwanda, his delegation supported a return to an annual budget cycle, which would be most in line with Security Council resolution 1966 (2010).

18. In that connection, he proposed, also on behalf of Serbia, an amendment whereby the phrase "subject to the provisions of the present resolution" would be

deleted from paragraph 2. The calculation of the revised appropriation for the biennium 2012-2013 and the respective apportionment should be amended to bring them into compliance with the level recommended by the Advisory Committee.

19. In addition, the two delegations proposed that four new paragraphs should be inserted after paragraph 8. The first paragraph would read, "Recalls its resolution 55/225 and requests the Secretary-General, with the objective to ensure timely downsizing of the workforce and transition to the Residual Mechanism, to submit proposals for an independent expert evaluation of efficiency of the functioning of the Tribunal"; the second would read, "Decides not to take note of the base for the proposed budget for the biennium 2014-2015 as requested in paragraph 19 of the relevant report of the Secretary-General (A/67/595)"; the third would read, "Requests the Secretary-General to ensure the transition from biennial budget cycle of the Tribunal to annual cycle in connection with upcoming completion of its work and transition to the Residual Mechanism"; and the fourth would read, "Requests the Secretary-General to submit his next budget proposals for the Tribunal only for 2014 on the basis of the approved appropriations for 2012".

20. *At the request of the representative of Sweden, a recorded vote was taken on the oral amendment proposed by the delegations of the Russian Federation and Serbia.*

In favour:

Belarus, Bolivia (Plurinational State of), China, Cuba, Eritrea, Lao People's Democratic Republic, Nicaragua, Russian Federation, Serbia, Sierra Leone, Syrian Arab Republic, Tajikistan, Trinidad and Tobago, Venezuela (Bolivarian Republic of), Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Jordan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Barbados, Botswana, Brazil, Brunei Darussalam, Cameroon, Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Jamaica, Japan, Kenya, Kuwait, Kyrgyzstan, Liberia, Libya, Madagascar, Malaysia, Mauritania, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Saint Lucia, Samoa, Saudi Arabia, Singapore, South Africa, South Sudan, Sri Lanka, Thailand, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania.

21. *The oral amendment was rejected by 59 votes to 17, with 58 abstentions.**

22. *At the request of the representative of the Russian Federation, a recorded vote was taken on draft resolution A/C.5/67/L.16 as a whole.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia,

* The delegation of Saint Vincent and the Grenadines subsequently informed the Committee that it had intended to abstain.

Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yemen, Zambia.

Against:

None.

Abstaining:

Belarus, Bolivia (Plurinational State of), China, Cuba, Ecuador, Lao People's Democratic Republic, Nicaragua, Russian Federation, Serbia, Sierra Leone, Syrian Arab Republic, Venezuela (Bolivarian Republic of).

23. *Draft resolution A/C.5/67/L.16, as orally amended by the Chair, was adopted by 135 votes to none, with 12 abstentions.*

Agenda item 130: Programme budget for the biennium 2012-2013 (*continued*) (A/C.5/67/L.18, L.12 and L.19)

Draft resolution A/C.5/67/L.18: Questions relating to the programme budget for the biennium 2012-2013

24. **Ms. Goicochea** (Cuba), speaking also on behalf of Bolivia (Plurinational State of), Ecuador, Nicaragua and Venezuela (Bolivarian Republic of), proposed an oral amendment to the draft resolution, as the text called for the approval of resources for the activities of the Special Adviser on the Responsibility to Protect, despite the fact that the General Assembly had not taken a decision on that concept, had not defined it and had not discussed it at a formal meeting since the sixty-third session. Therefore, including activities on the so-called responsibility to protect under the activities of the Special Adviser on the Prevention of Genocide was a serious violation of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation, as well as successive General Assembly resolutions.

25. She therefore proposed, without prejudice to the five delegations' support for the draft resolution, that two additional paragraphs should be inserted after paragraph 12 of section I, the first of which would read, "Decides to delete all references to the activities and outputs related to the responsibility to protect, as contained in the strategic framework, and the related narratives of the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide (A/67/346/Add.1)". The second paragraph would read, "Requests the Secretary-General to issue a corrigendum to his report A/67/346/Add.1".

26. **Mr. Bayat Mokhtari** (Islamic Republic of Iran) said that he supported the proposal made by the representative of Cuba.

27. **Ms. Rohrmann** (Denmark) said that her delegation did not support the proposed amendment, as its effects went beyond the responsibility of the Fifth Committee. Her delegation requested a recorded vote on the proposal, and called on all delegations to vote against it.

28. **Mr. Chapdelaine** (Canada) said that his delegation supported the request made by the representative of Denmark. The substance of the proposed amendment went well beyond the mandate of the Committee, which was required only to decide whether to agree to provide the necessary financing for the activities of the Office of the Special Adviser on the Prevention of Genocide; such financing was fully justified on the basis of General Assembly and Security Council decisions. There were other forums in which the issues raised by the representative of Cuba could be discussed; his delegation would therefore vote against the proposed amendment.

29. **Mr. Soteriou** (Cyprus), speaking on behalf of the European Union in explanation of vote before the voting, said that the Committee was mandated to consider administrative and budgetary questions; it should therefore focus on those issues and refrain from political discussions that should take place in other forums. The Committee's main concern was to ensure that the Office of the Special Adviser on the Prevention of Genocide had sufficient resources in order to implement effectively the mandate approved by the

Security Council in its resolution 1366 (2001). The proposed amendment would hamper the Office's work, particularly its efforts to cooperate with the Special Adviser on the Responsibility to Protect and other United Nations entities, and for that reason should be rejected.

30. *At the request of the representative of Denmark, a recorded vote was taken on the oral amendment proposed by the representative of Cuba.*

In favour:

Bolivia (Plurinational State of), Cuba, Ecuador, Iran (Islamic Republic of), Myanmar, Namibia, Nicaragua, Nigeria, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Yemen, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Latvia Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Monaco, Montenegro, Nepal, Netherlands, New Zealand, Niger, Norway, Panama, Paraguay, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Rwanda, San Marino, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia.

Abstaining:

Afghanistan, Algeria, Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Belarus, Brunei Darussalam, Cameroon, China, Djibouti, Dominican Republic, Egypt, Eritrea, Ethiopia, Grenada, Guyana, Haiti, Honduras, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Malaysia, Mauritania, Mauritius, Mongolia, Morocco, Oman, Papua New Guinea, Philippines, Qatar, Russian Federation, Saint Lucia, Samoa, Saudi Arabia, Serbia, Sierra Leone, South Africa, South Sudan, Sri Lanka, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania.

31. *The oral amendment was rejected by 73 votes to 14, with 56 abstentions.*

32. *Draft resolution A/C.5/67/L.18 was adopted.*

33. **Ms. Goicochea** (Cuba) said that her delegation would request a recorded vote on the corresponding budget section when it was taken up by the plenary General Assembly.

34. **Mr. Jiménez** (Nicaragua), speaking also on behalf of Bolivia (Plurinational State of), Cuba, Ecuador, Iran (Islamic Republic of) and Venezuela (Bolivarian Republic of), said that the change in the logical framework of the Office of the Special Adviser on the Prevention of Genocide to include in its mandate the concept of responsibility to protect, a concept that did not enjoy intergovernmental consensus, was a serious breach of the administrative procedures that governed the allocation of organizational resources, which should only be used to implement internationally agreed mandates. At its sixty-third session, the General Assembly had agreed only to continue its consideration of the responsibility to protect, yet the activities, priorities and mandate of the Office of the Special Adviser currently reflected suggestions outlined in the report of the Secretary General on early warning, assessment and the responsibility to protect (A/64/864), on which the General Assembly had not taken any action. The primary responsibility to protect lay with States. The international community could play a constructive role in support of national efforts, but should respect the provisions of the Charter of the United Nations concerning sovereignty, non-interference in the internal affairs of States and territorial integrity. For all those reasons, the six delegations would vote against section I of the draft resolution when it was taken up by the plenary General Assembly.

Draft decision A/C.5/67/L.12: Programme budget implications relating to the programme budget for the biennium 2012-2013

35. *Draft decision A/C.5/67/L.12 was adopted.*

Draft report of the Fifth Committee (A/C.5/67/L.19)

36. **The Chair** drew attention to the draft resolutions contained in chapter IV of the draft report of the Fifth Committee (A/C.5/67/L.19).

Draft resolution I: Questions relating to the programme budget for the biennium 2012-2013 (A/C.5/67/L.18)

37. **The Chair** recalled that draft resolution I had been adopted earlier in the meeting.

Draft resolution II: Programme budget for the biennium 2012-2013

38. **The Chair** drew attention to draft resolution II, which dealt with revised budget appropriations for the biennium 2012-2013 (section A), revised income estimates for the biennium 2012-2013 (section B) and financing of the appropriations for the year 2013 (section C).

39. *Draft resolution II was adopted.*

Agenda item 129: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*) (A/C.5/67/L.13 and L.20)

Draft resolution A/C.5/67/L.13: Proposed programme budget outline for the biennium 2014-2015

40. *Draft resolution A/C.5/67/L.13 was adopted.*

Draft decision A/C.5/67/L.20: Questions deferred for future consideration

41. *Draft decision A/C.5/67/L.20 was adopted.*

42. **Mr. Lieberman** (United States of America) said that his delegation was deeply disappointed that the simple resolution on agenda item 140 concerning the activities of the Office of Internal Oversight Services had been deferred once again, as the resolution would have provided transparency on United Nations activities to Member States' constituencies around the world. The deferral was particularly disappointing given that delegations had been very close to reaching an agreement on the text. The same was true of agenda item 136, concerning human resources management.

43. **Mr. Soomro** (Pakistan) said that it was disappointing that consensus had not been reached on agenda item 136, concerning human resources management. As one of the coordinators of the negotiations, he considered that, with a little more time and flexibility on the part of delegations, an agreement could have been reached.

44. **Mr. Benmehidi** (Algeria), speaking on behalf of the Group of 77 and China, thanked the Chair for his efforts to resolve the outstanding issues on agenda item 136 and lamented that there had not been enough time available to the Committee to overcome those issues and achieve a consensus.

45. **Mr. Sul** Kyung-hoon (Republic of Korea) said that, while the Committee had taken action under many agenda items during the main part of the current session, it unfortunately had not been able to adopt a resolution on agenda item 136, particularly with regard to the question of mobility, an issue to which his delegation attached great importance. He hoped that a solution would be found promptly during the first part of the resumed session in 2013.

46. **Ms. Takahashi** (Norway) said that her delegation was also disappointed by the postponement of agenda item 136, particularly as delegations had been very close to reaching a consensus. She hoped that those negotiations, including the consensus reached on the question of mobility, would provide a strong foundation for discussions at the first part of the resumed sixty-seventh session.

47. **Mr.** Manjeev Singh **Puri** (India) said that it was regrettable that there had not been enough time to achieve a consensus on the question of human resources management at the main part of the session. He hoped that negotiations under that agenda item would move forward quickly at the first part of the resumed sixty-seventh session.

48. **Mr. Tommo Monthe** (Cameroon) said that it was rare to defer such an important agenda item as human resources management and expressed disappointment at the lack of consensus on that crucial topic.

49. **Mr. Pankin** (Russian Federation) expressed his delegation's regret at the deferral of agenda item 136, especially in the light of the considerable time and effort that had been invested in the negotiations. However, there was room for optimism, as a consensus was within reach and delegations would therefore spend very little time discussing the matter at the first part of the resumed sixty-seventh session.

Other matters

50. **The Chair** informed the Committee that the Secretariat had distributed the report of the Senior Advisory Group established pursuant to General Assembly resolution 65/289 (A/C.5/67/10). The report reflected the full consensus of all members of the Senior Advisory Group. The Secretary-General was currently preparing a note explaining how the recommendations contained in the report would be implemented and indicating their financial implications. The Committee would consider that note, and would take note of the Group's report, at the first part of the resumed sixty-seventh session.

Completion of the work of the Fifth Committee at the main part of the sixty-seventh session of the General Assembly

51. **The Chair** declared that the Fifth Committee had completed its work at the main part of the sixty-seventh session of the General Assembly.

The meeting rose at 3.15 p.m.